

| DIST/OFFICE | DOCKET |        | FILING DATE |     |      | J | N/S                   | O | R  | R<br>23 | DEMAND |    | JUDGE<br>NUMBER | JURY<br>DEM. | DOCKET |        |
|-------------|--------|--------|-------------|-----|------|---|-----------------------|---|----|---------|--------|----|-----------------|--------------|--------|--------|
|             | YR.    | NUMBER | MO.         | DAY | YEAR |   |                       |   |    |         | \$     | 18 |                 |              | OTHER  | YR.    |
| 1085/4      | 76     | 0129   | 3           | 26  | 76   | 4 | 190-<br>open<br>acct. | 1 | 21 |         |        |    | 8510            | P            | 76     | 0129-C |

PLAINTIFFS

CERTAIN-TEED PRODUCTS  
CORPORATION, a corporation

DEFENDANTS

E. B. MILLER, a sole trader  
doing business under the trade  
of MIDWESTERN CONSTRUCTION &  
SUPPLY CO.

CAUSE

Suit brought on an open account, and a diversity of citizenship exists  
between the parties, and the amount in controversy exceeds the sum of  
\$10,000 exclusive of interest and costs.

ATTORNEYS

Allen Klein  
Ungerman, Grabel & Ungerman  
Sixth Floor, Wright Building  
Tulsa, Oklahoma 74103  
584-6101

William C. Kellough  
300 Petroleum Club Building  
Tulsa, OK 74119  
585-2751

|  |                  |                |             |                   |             |
|--|------------------|----------------|-------------|-------------------|-------------|
| <input type="checkbox"/> CHECK<br>HERE<br>IF CASE WAS<br>FILED IN<br>FORMA<br>PAUPERIS | FILING FEES PAID |                |             | STATISTICAL CARDS |             |
|  | DATE             | RECEIPT NUMBER | C.D. NUMBER | CARD              | DATE MAILED |
|  |                  |                |             | JS-5              | 4-1-76      |
|  |                  |                |             | JS-6              | 4-1-77      |

| DATE        | NR. | PROCEEDINGS  |
|-------------|-----|--|
| <u>1976</u> |     |  |
| 3-26        | 1.  | Complaint, filed. Summons issued. ph   |
| 4-13        | 2.  | Complt & Summons, ret & filed: Served E. B. Miller at Tulsa, OK, on 4-9-76. (USM \$11.64)ph  |
| 4-28        | 2.  | Deft's mo/extend time to ans., filed. ph   |
| 4-28        | 3.  | Order, filed, granting deft. until 5-14-76 to ans. (JCS-CC)ph cps mld  |
| 5-14        | 4.  | Ans. of deft., filed. ph (w/first and second counterclaims)  |
| 6-2         | 5.  | Pltf's motion for ext. of time to ans. deft's counterclaims w/brief, filed. ph <i>504</i>  |
| 6-2         | 6.  | Order, filed, granting pltf. to 6/24/76 to ans. def. counterclaim. (HDC-J)rm - copies md   |
| 6-24        | 7.  | Answer of pltf. to first counterclaim, filed. rm   |
| 7-13        | 8.  | Pltf's first set of interrogs to the deft., filed. ph  |
| 7-30        | MO: | Case set for PT hearing on 9-30-76 at 12:30 p.m. (HDC-J)ph   |
| 7-30        | 9.  | Motion to ext. time to ans. pltf's interrogs, filed. ph  |
| 7-30        | 10. | Deft's brief in support of mo/extend time to ans. pltf's interrogs., filed. ph   |
| 7-30        | 11. | Order, filed, granting deft. an addit. 10 days to ans pltf's interrog. (8-22-76) (HDC-J)hm (copies mailed)   |
| 8-16        | 12. | Appl. to file deft's ans. to pltf's first set of interrogs. out of time, filed. ph <i>504</i>  |
| 8-17        | 13. | Order, filed, allowing deft. to file ans. to pltf's first set of interrogs. out of time. (HDC-J)ph cps mld   |
| 8-17        | 14. | Deft's ans. to pltf's first set of interrogs., filed. ph   |
| 9-30        | MO: | Pre-trial hearing held. Statements made. Pltf. to prepare PT order within 20 days & case set for jury trial 11-29-76. (HDC-J)hm (trial at 9:30 a.m.)                               |
| 10-15       | 15. | Pre-trial order, filed. (HDC-J)rm  |
| 10-21       | 16. | Stipulation that first and second counterclaim filed by deft. is hereby amended according to provisions in deft's amended first and second counterclaims filed herewith, filed. ph |
| 10-21       | 17. | Amended first and second counterclaims, filed. ph  |
| 11-8        | 18. | Pltf's ans. to amended first and second counterclaims, filed. ph   |
| 11-9        | 19. | Deft's first set of interrogs. to pltf., filed. ph   |
| 11-12       | 20. | Appl. for cont. of trial by def., filed. rm  |
| 11-12       | 21. | Order that deft's appl. for continuance of trial be set for hearing on 11-19-76 at 8:45 a.m. (HDC-J)ph cps mld & parties called.   |
| 11-19       | MO: | Hearing held on deft's mo/continuance of trial. Parties represented and statements made. Deft's motion granted & case reset for jury trial 1-18-77 at 9:30 a.m. (HDC-J)hm          |
| 11-19       | 22. | Order, filed, that deft's appl. be granted and case is continued for Jury trial on 1-18-77. (HDC-J)ph cps mld  |
| 12-6        | 23. | Pltf's second set of interrogs. to the deft., filed. ph  |
| 12-7        | 24. | Pltf's motion for ext. of time to ans. deft's first set of interrogs. w/brief, filed. ph <i>504</i>  |
| 12-13       | 25. | Order, filed, granting pltf. to 12/24/76 to ans. def. 1st set of interrogatories. (HDC-J)rm-copies mailed  |
| 12-29       | 26. | Pltf's answers to deft's first set of interrog., filed w/leave of Court. (HDC-J)hm   |

## CIVIL DOCKET CONTINUATION SHEET

|                       |                     |                                 |
|-----------------------|---------------------|---------------------------------|
| PLAINTIFF             | DEFENDANT           | DOCKET NO. <u>76-C-129-C</u>    |
| CERTAIN-TEED PRODUCTS | E. B. MILLER, et al | PAGE <u>3</u> OF <u>2</u> PAGES |

| DATE<br>1976 | NR. | PROCEEDINGS   |
|--------------|-----|---|
| 12-29        | 27. | Deft's ans. to pltf's second set of interrogs. to the deft., filed. ph  |
| 1977         |     |   |
| 1-13         | 28. | Deft's motion for continuance of Jury trial, filed. ph  |
| 1-14         | 29. | Order, filed, that jury trial set for 1-18-77 is continued. (HDC-J)ph<br>cps mld <i>parties called.</i>   |
| 1-13         | 30. | Deft. Miller's motion to compel ans. to interrogs., filed. w/brief.ph   |
| 1-14         | MO: | It is ordered by the Court that the pltf. file a resp. brief within<br>10 days to the deft's motion to compel ans. to interrogs. (HDC-J)ph<br>ltr mld   |
| 1-24         | 31. | Pltf's brief in resp. to deft's motion to compel ans. to interrogs.,<br>filed. ph   |
| 2-22         | MO: | Case set for jury trial 3-14-77 at 9:30 a.m. (HDC-J)hm (notices<br>mailed)  |
| 2-24         | 32. | Order, filed, that deft's motion to compel is sustained; in the event<br>said ans. are not filed within 10 days, appropriate sanctions will<br>be considered. (HDC-J)ph cps mld   |
| 3-8          | 33  | Amendment to pltf. answers to deft's first set of interrog. fld ho  |
| 3-9          | 34. | Pltf's motion in limine, w/brief in support, filed. hm  |
| 3-10         | MO: | Case set for hearing on pltf's motion in limine for 3-14-77 at 9:00 a.m.<br>(HDC-J)ph parties called.   |
| 3-11         | 35. | Brief in opposition to Pltf.'s motion in limine, fld. by Deft. v  |
| 3-11         | 36. | Deft.'s request for jury instructions, fld. v   |
| 3-11         | 37. | Pltf's notice to take deposition of E. B. Miller on 3-15-77 at 10:00 am<br>filed. ph  |
| 3-11         | 38. | Second Amend. to Pltf's Answers Deft's First Set of Inter., filed.jj  |
| 3-14         | MO: | Case called for hearing on mo/limine and jury trial. Parties announce<br>settlement & make record on said settlement. Court enters judgment<br>for pltf. in amt. of \$9,000. Counterclaim dismissed. Order & judg-<br>ment to be prepared & presented to Court this date. (HDC-J)hm |
| 3-17         | 39. | Deft's motion to dismiss, filed. ph (O to J)  |
| 3-17         | 40. | Order, filed, that deft's first and second counterclaims are dismissed<br>w/prejudice, (HDC-J)ph cps mld  |
| 3-17         | 41. | Judgment, filed and entered, that pltf. have judgment against the<br>deft. for amt. of \$9,000 under terms and conditions set forth herein.<br>(HDC-J)ph cps mld  |
| 8-3          | 42. | Pltf's release and satisfaction of judgment, filed. ph  |

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| PLAINTIFF | DEFENDANT | DOCKET NO. _____        |
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